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REPLY UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1642

PATENT  
0147-0229P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ECKERT, Helmut et al. Conf.: 2392  
Appl. No.: 09/889,300 Group: 1642  
Filed: September 13, 2001 Examiner: YAEN, C.H.  
For: USE OF ANTIBODIES FOR THE VACCINATION  
AGAINST CANCER

INFORMATION DISCLOSURE STATEMENT  
(SUBMISSION AFTER FINAL REJECTION)

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 4, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

II. COPIES

- a. ☒ This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are

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FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d):

after the mailing date of a Final Action under § 1.113.

See the Statement Under 37 C.F.R. § 1.97(e).

V. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☒ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

not included. Copies of foreign patent documents and non-patent literature are included.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

VI. PAYMENT OF FEES (check one box)

- ☒ A check in the amount of \$180.00 is enclosed for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p).
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$180.00 for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p). A triplicate copy of this paper is attached.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: 12-04-03  
(Date of Deposit)

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

*Janet M. Paulo*  
(Signature)  
Dec. 4, 2003  
(Date of Signature)  
LRS/lmc  
0147-0229P

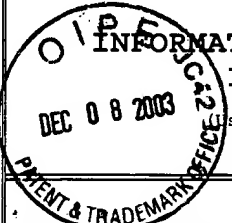
Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Leonard R. Svensson*  
Leonard R. Svensson, #30,330

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s): ☒ PTO-1449  
☒ Documents  
☐ Foreign Search Report  
☒ Fee  
☐ Other: \_\_\_\_\_

Form PTO-1449				ATTY. DOCKET NO. 0147-0229P		APPLICATION NO. 09/889,300		
 <p><b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b></p> <p>(Use several sheets if necessary)</p>				APPLICANT ECKERT et al.				
				FILING DATE September 13, 2001		GROUP 1642		
<b>U.S. PATENT DOCUMENTS</b>								
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	US							
	US							
	US							
	US							
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<b>FOREIGN PATENT DOCUMENTS</b>								
Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
	WO	96/01126	A1	1996-01-18	PCT			
<b>OTHER DOCUMENTS</b> (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)								
	FAGERBERG et al., "Tumor Regression in Monoclonal Antibody-treated Patients Correlates with the Presence of Anti-Idiotypic-reactive T Lymphocytes" Cancer Research, Vol. 55, May 1, 1995, pp. 1824-1827							
	LEVEUGLE B et al., "PSA-directed immunotherapy of prostate cancer," #2424. XP-002117652							
	PERVIN S et al., "Proliferation of T-cells from colon cancer patients by peptides based on the structure of an anti-idiotypic antibody mimicking CEA," #3231. XP-002076985.							
	CHAKROABORTY M et al., "Immune responses in advanced breast cancer patients treated with an anti-idiotypic antibody vaccine," #4139. XP-002076982.							
	KATAYAMA M et al., "Expression of neural cell adhesion molecule L2 in human lung cancer cell lines," XP-002255877.							
EXAMINER					DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								